

United States District Court
District of Delaware

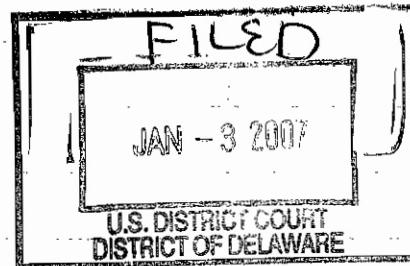
James St. Louis
plaintiff

Ralph Heneris, David Pierce
and others, Bernie Williams
defendants.

Civil Action
06-644SLR

Petition for
appointment of
counsel

James St. Louis hereby petition the
Court for appointment of counsel for the
following reasons



James St. Louis
SBI 446518
1181 Paddock Rd
Anyqua Pa.
19977

Motion for Appointment of Counsel

1. factual complexity

2. plaintiff's ability to investigate

The plaintiff is locked up in segregation and has no ability to investigate the facts. i.e. he is unable to identify, locate and interview witnesses see Tucker v Randall 948 F2d 388 / Gatzon v Caughlin 679 F.Supp 270 Armstrong v Snyder 103 FRD 96-105

In addition this case will require considerable discovery concerning the identity of witnesses, the officer and his reports and statements made and history of those involved with like reports, see Tucker v Duckey 613 F.Supp 1124, 1133-34 (need for discovery supports appointment of counsel)

3. conflicting testimony - the plaintiff's account of his happenings is squarely in conflict with statements elicited by officials. This aspect of the case will be a credibility contest between the defendant and the plaintiff (and such inmate witnesses as can be located) the existence of these credibility issues support the appointment of counsel see Gatzon v Caughlin 679 F.S

270, 273

4. The ability of the indigent to pursue claim

The plaintiff is an indigent prisoner with no legal training. A factor that supports the appointment of counsel see Whisenant v. Farn 739 F2d 160, 163. In addition he is confined to segregated housing and limited to legal materials see Rayes v. Johnson 969 F2d 700, 703-04. (citing lack of ready access to a law library as a factor supporting appointment of counsel.

5. legal complexity

The plaintiff has asked for a jury trial, which requires much greater legal skills than the plaintiff has or can develop. see Abdullah v. Jenkins 949 F2d 1032, 1036 (citing jury demand as a factor supporting appointment of counsel.

6. Merits of the case the plaintiff alleges y proved clearly would establish a constitutional violation.

7. In deciding whether to appoint counsel for an indigent litigant the court should consider the judicial

Complexity of this case, the ability of the
indigent to investigate the facts, the
existence of conflicting testimony, the
ability of the indigent to present his
claim and the complexity of the
legal issues) (see Abdullah v. Justice
949 F2d 1032)

In addition, courts have suggested
that the most important factor is whether
the case appears to have merit see
Cooper v. A Saenger Co. Inc. 877 F2d 170, 173

Wherefore, for the foregoing reasons, the
Court should grant the plaintiff motion
and appoint counsel in this case.

I declare under penalty of perjury that
the foregoing is true and correct.

James S. Lewis
SBI # 446518
Delaware Correctional
1181 Paddock Road
Averya, DE.